

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

INGRAM BARGE COMPANY LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:21-cv-00674
)	Judge William L. Campbell, Jr.
MICHIGAN SALT PRODUCTS, LLC,)	Magistrate Judge Alistair Newbern
)	
Defendant.)	

**SECOND MOTION FOR ENTRY OF DEFAULT JUDGMENT
AGAINST DEFENDANT**

Plaintiff Ingram Barge Company LLC (“IBCO”) files this second motion for entry of a default judgment against Defendant Michigan Salt Products LLC (“Michigan Salt”) and requests, pursuant to Fed. R. Civ. P. 55(a), Fed. R. Civ. P. 55(b)(1) and Rule 55.01 of the Local Rules of Court, that the Clerk of Court enter a judgment in favor of IBCO against Defendant for IBCO’s damages and court costs.

As support for this motion, IBCO would show as follows.

1. IBCO filed its Complaint in this matter on August 30, 2021. The Clerk of Court issued a summons to Michigan Salt on August 31, 2021. A copy of IBCO’s Complaint in this matter was promptly served on Michigan Salt via certified mail on September 7, 2021, which, in turn, required Michigan Salt to file a responsive pleading no later than September 28, 2021 absent an agreed extension of that deadline or other relief from this Court. *See* Doc. 9; *see also* Declaration of W. Brantley Phillips, Jr. (attached as ***Exhibit A***).

2. At the suggestion of the Clerk of Court, IBCO again served its Complaint on Michigan Salt via private process server on February 16, 2022. Said service of process was accepted by Michigan Salt's chief executive officer, Andrew Lindamood. *See* Doc. 21. As a result of said service of process, Michigan Salt was required to file a responsive pleading no later than March 9, 2022 absent an agreed extension of that deadline or other relief from this Court.

3. Michigan Salt is a Michigan limited liability company with its principal place of business at 1120 South Lapeer Road, Suite 200, Oxford, Michigan 48371. Michigan Salt is not an individual, nor an infant, nor is it incompetent.

4. Despite effective service of process on February 16, 2022, and the responsive pleading deadline of March 9, 2022, as of this filing, Michigan Salt has yet to respond to IBCO's Complaint or otherwise enter a notice of appearance in this matter.

5. This failure by Michigan Salt entitles IBCO to the entry of a default judgment pursuant to Fed. R. Civ. P. 55(a) and Fed. R. Civ. P. 55(b)(1).

6. As set forth in IBCO's Complaint, Michigan Salt is liable to IBCO for breach of contract for Michigan Salt's failure to pay certain lock delay and demurrage charges that IBCO incurred in connection with services provided to Michigan Salt pursuant to the parties' contract. *See* Doc. 1 at ¶¶ 34-41; *id.* at Exhibits 5-22. As of this filing, Michigan Salt is liable to IBCO for said unpaid lock delay and demurrage charges in the amount of \$254,482.76.

7. As further set forth in IBCO's Complaint, Michigan Salt is liable to IBCO for interest at the rate of two percent (2%) per month (or any fraction thereof) on the unpaid lock delay and demurrage charges. *See* Doc. 1 at ¶ 23. The due dates for the unpaid lock delay and demurrage charges (totaling \$254,482.76) are set forth in the tables in Doc. 1 at ¶¶ 25 and 27.

WHEREFORE, pursuant to Fed R. Civ. P. 55(a) and 55(b)(1) and Rule 55.01 of the Local Rules of Court, IBCO respectfully requests the Clerk of Court to enter a default judgment against Michigan Salt for the relief sought in its Complaint and IBCO's court costs incurred to date. Michigan Salt has failed to plead or otherwise defend as required by the Federal Rules of Civil Procedure. IBCO is, therefore, entitled to and hereby respectfully requests entry of a judgment by default for the above-stated amount of \$254,482.76 plus contractual interest and court costs incurred to date.

DATED this 22nd day of April, 2022.

Respectfully submitted,

/s/ W. Brantley Phillips, Jr.

W. Brantley Phillips, Jr. (018844)

BASS BERRY & SIMS PLC

150 Third Avenue South, Suite 2800

Nashville, TN 37201

(615) 742-6200

bphillip@bassberry.com

David L. Reisman (*pro hac vice*)

Raymond T. Waid (*pro hac vice*)

LISKOW & LEWIS

701 Poydras Street, Suite 5000

New Orleans, LA 70139-5099

(504) 581-7979

dreisman@liskow.com

rwaid@liskow.com

Attorneys for Ingram Barge Company LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of April, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and sent true and correct copies of the same via U.S. Mail, priority service, to the following:

Andrew Lindamood
Chief Executive Officer
Michigan Salt Products, LLC
1120 South Lapeer Road, Suite 200
Oxford, MI 48371

/s/ W. Brantley Phillips, Jr.
W. Brantley Phillips, Jr.